Table of Contents

IAB #SH2235183

Involved Employee Photo

Anthony Paez #[redacted] - Palmdale Station, [redacted]

Investigative Summary

Personnel Investigation Form
Investigative Summary

Statements

Witness	[redacted]	-	[redacted]
Witness	Daniel Wolanski	-	Palmdale Station, Station Detective
Suspect	DeAnthony Bivins	-	Arrested for 211PC

Exhibits

EXHIBIT A - Copy of Palmdale Station 211PC report, supplemental reports, and Major Incident Log.

EXHIBIT B - Copy of the booking packet, medical approval for booking and after care instructions.

EXHIBIT C - CD of photographs taken by the Sheriff's Crime Lab, includes (105) Thumbnail-size photographs of the crime scene and (18) photo enlargements.

EXHIBIT D - Map of the 211PC site and the shooting incident site from mapquest.com .

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

A Tradition of Service

DATE: August 12, 2009

OFFICE CORRESPONDENCE

FILE NO. SH2235183

FROM: ERIC B. SMITH, COMMANDER
LEADERSHIP AND TRAINING DIVISION

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**
DEPUTY ANTHONY PAEZ #[redacted]
PALMDALE STATION

On December 19, 2008, at about 2302 hours, Deputy Anthony Paez saw Suspect DeAnthony Bivins reach toward his waistband causing him to believe he was reaching for a weapon. Deputy Paez, fearing for his life and the life of his partner, fired one round which struck the ground adjacent to the suspect.

Palmdale deputies responded to a Robbery which just occurred at a 7-Eleven market. As Unit [redacted] Deputy [redacted] and [redacted] Deputy Anthony Paez searched northbound on 17th Street East for the suspect, they saw Suspect DeAnthony Bivins walking southbound on the east side of 17th Street East from Avenue Q-13, and noted that he matched the description of the robbery suspect.

The deputies stopped their patrol SUV in front of Suspect Bivins and Deputy Paez ordered him to show his hands. Deputy Paez then exited the SUV and again ordered him to take his hands out of his pockets. In the meantime, Deputy [redacted] exited the driver's side and started to walk around the back of the SUV to reach Deputy Paez and Suspect Bivins. At about the same time, Detective Dan Wolanski was turning left onto southbound 17th Street East, from westbound Avenue Q-12, and saw the deputies detaining Suspect Bivins.

Before Deputy [redacted] came around the rear of the SUV, Suspect Bivins bolted from Deputy Paez and ran southbound on 17th Street East toward Avenue Q-14, with Deputy Paez in foot pursuit. Deputy Paez repeatedly yelled throughout the chase for him to stop and get on the ground, but Suspect Bivins continue to run. Upon seeing Suspect Bivins and Deputy Paez running past him, Deputy [redacted] joined the chase and advised on his radio that they were in foot pursuit. At the time of the pursuit, various parts of the pavement were covered with slippery "black ice," and there were also large portions of the grassy areas that were frozen and covered with ice and snow.

Detective Wolanski immediately drove past the deputies and the suspect and attempted to turn left onto eastbound Avenue Q-14 to block Suspect Bivins' path, but Suspect Bivins was able to cross the intersection before Detective Wolanski could execute the turn. As Suspect Bivins began running up the curb onto the grassy area to enter a long driveway between two rows of housing units, Detective Wolanski was able to turn left into the driveway and block Suspect Bivins' path before he was able to run completely across the driveway.

Suspect Bivins pushed himself off the left front fender of Detective Wolanski's patrol car with his hands, did a complete 360-degree turn to his left, and ran to the rear of the patrol car. Detective Wolanski immediately placed his car into reverse, but he had to wait before backing up because Suspect Bivins was running behind his car toward Avenue R, closely followed by Deputy Paez and then Deputy [redacted]

After everyone cleared the rear of his patrol car, Detective Wolanski backed his vehicle about 5 to10 feet when he heard a loud popping noise that sounded like a TASER being discharged. Detective Wolanski did not see any part of the shooting because he was looking to the rear while backing up.

After Suspect Bivins ran around the rear of Detective Wolanski's vehicle, he turned in a southeast direction and started to run across the grassy areas toward the side of the housing units. He then slipped and fell on the ground, using his hands to help break his fall. He immediately got back up, ran several more feet before falling down a second time, and again he used his hands to help break his fall. As Deputy Paez yelled at him to get on the ground and put his hands behind his back, Suspect Bivins used his left hand to push himself upright to face Deputy Paez and simultaneously, with his right hand, reached into his front waistband.

Deputy Paez remembered the call involved a simulated handgun and thought Suspect Bivins was reaching for an actual firearm. In fear for his safety, Deputy Paez fired one round at Suspect Bivins from his service semi-automatic pistol, but the round completely missed striking Suspect Bivins and struck some nearby decorative rocks on the ground in front of a housing unit. Suspect Bivins immediately gave up and lay facedown on the ground.

While Deputy [redacted] and Deputy Paez held Suspect Bivins at gunpoint, arriving assisting deputies handcuffed Suspect Bivins and took him into custody. The assisting deputies canvassed the area, but none of those residents saw the shooting incident.

Suspect Bivins alleged that after the shooting, during handcuffing, an unidentified deputy deliberately bent the fingers of his left hand back for no reason, which caused his left hand to swell up. In the meantime, other deputies were kicking him, kneeing him, and hitting his face and right jaw with their flashlights.

Suspect Bivins said a second unidentified deputy was jumping up and down on his face with a knee and used a flashlight across his neck to hold him down. He added that the deputy did not swing his flashlight at him.

While the first unidentified deputy was re-searching him by his patrol car, he kicked the back of Suspect Bivins' lower right thigh for no reason, causing his right knee to hit the car door. Suspect Bivins insisted that he was cooperative after the shooting.

Suspect Bivins complained of a swollen left hand, especially around the index finger area. He had a very tiny and slightly visible skin discoloration (about quarter of the size of a dime) approximately two to three inches above the right kneecap, which Suspect Bivins said he sustained when his knee struck the patrol car door after being kicked on the back of the thigh. He also had a very small, slight skin abrasion below his left kneecap, which he said he sustained when he fell down to the ground. Suspect Bivins also complained of swelling to his right face and jaw.

Suspect Bivins was later treated for a sprained left index finger by Dr. Eric Snyder at Antelope Valley Hospital. The finger was immobilized with a splint and he was Okayed for booking.

Palmdale deputies searched the areas possibly used by Suspect Bivins in his getaway. They were able to locate the discarded 7-Eleven cash register drawer, bandana and jacket behind some businesses adjacent to the 7-Eleven. They did not find the gun that may have been used in the robbery. On the street pavement near where Suspect Bivins fell the second time, they found one expended cartridge in the street and an expended bullet on the decorative rocks by a housing unit.

On August 6, 2009, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP §§ 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Anthony Paez #[redacted] was reasonable and necessary and in compliance with Department policy.

MPP § 3-01/050.10, Performance to Standards, the Committee determined that the tactics employed by all personnel in this incident were within Department Policy.

Eric B. Smith, Commander

EBS:YLW/ylw